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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Nasaleze Patents Limited		
Entity	Company	Citizenship	Isle of Man
Address	Unit 6, The Shipyard Ramsey, Isle of Man, UNITED KINGDOM		
Attorney information	Timothy H. Hiebert Samuels & Hiebert LLC Two International Place, 23rd Floor Boston, MA 02110-4104 UNITED STATES hiebert@samuelsTM.com Phone:617-426-5553		

### Registration Subject to Cancellation

Registration No	2229579	Registration date	03/02/1999
Registrant	HI-TECH PHARMACAL CO., INC. 369 Bayview Avenue Amityville, NY 11701 UNITED STATES		
Goods/Services Subject to Cancellation	Class 005. First Use: 1997/09/10 , First Use In Commerce: 1997/09/10 Goods/Services: nasal spray		
Grounds for Cancellation	The registered mark has been abandoned.		

Attachments	PETITION FOR CANCELLATION.pdf ( 2 pages )(60404 bytes )
Signature	/Timothy H. Hiebert/
Name	Timothy H. Hiebert
Date	11/07/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

NASALEZE PATENTS LIMITED

Petitioner

v.

HI-TECH PHARMACAL CO., INC.

Registrant

Mark: NASAL-EASE

Reg. No. 2,229,579

Issued March 2, 1999

PETITION FOR CANCELLATION

In the matter of Trademark Registration No. 2,229,579 for the NASAL-EASE trademark, registered on March 2, 1999 by Registrant Hi-Tech Pharmacal Co., Inc., Petitioner Nasaleze Patents Limited, an Isle of Man company located at Unit 6, The Shipyard, Ramsey, Isle of Man, believes that it is being or will be damaged by said registration and hereby petitions for cancellation thereof.

The grounds for cancellation are as follows:

1. Petitioner is the owner of pending U.S. application Serial No. 78/833,383 filed on March 9, 2006 for NASALEZE ("Petitioner's Mark") covering preparations and substances

for the treatment, relief and prevention of hayfever, colds, asthma, eczema and allergies; and puffers and administrators for preparations and substances for the treatment, relief and prevention of hayfever, colds, asthma, eczema and allergies.

2. Petitioner's application has been rejected by the Examiner in view of Registrant's Registration No. 2,229,579 for NASAL-EASE ("Registrant's Mark") covering nasal spray ("Registrant's Goods").

3. The existence of Registration No. 2,229,579 has thus prevented petitioner from being able to register Petitioner's Mark. If registrant is permitted to maintain Registration No. 2,229,579, that registration will continue to prevent petitioner from being able to register and protect Petitioner's Mark.

4. On information and belief, registrant has intentionally abandoned all use of Registrant's Mark for Registrant's Goods and for all other goods and services of any kind, with an intent not to resume such use.

WHEREFORE, petitioner prays that Registration No. 2,229,579 be cancelled.

Date: November 7, 2006

/Timothy H. Hiebert/

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